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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,900	11/05/2002	Richard C. Walton	02703-023001	6238
26161	7590	12/30/2005	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			PATTERSON, MARC A	
			ART UNIT	PAPER NUMBER
			1772	
DATE MAILED: 12/30/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/713,900

Applicant(s)

WALTON ET AL.

Examiner

Marc A. Patterson

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 and 48-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 and 48-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

WITHDRAWN REJECTIONS

1. The 35 U.S.C. 102(b) rejection of Claims 1 – 2, 8 – 18, 20 – 24 and 48 – 53 as being anticipated by Wang et al (U.S. Patent No. 5,935,880), of record on page 2 of the previous Action, is withdrawn.
2. The 35 U.S.C. 103(a) rejection of Claims 3 – 7 as being unpatentable over Wang et al (U.S. Patent No. 5,935,880), of record on page 2 of the previous Action, is withdrawn.
3. The 35 U.S.C. 103(a) rejection of Claim 19 as being unpatentable over Wang et al (U.S. Patent No. 5,935,880) in view of Srinivasan et al (U.S. Patent No. 5,500,281), of record on page 2 of the previous Action, is withdrawn.

NEW REJECTIONS

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 – 3, 8 – 18, 20 – 24 and 48 – 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al (U.S. Patent No. 5,935,880) in view of Anderson et al (U.S. Patent No. 6,315,864 B2).

With regard to Claims 1 – 2, 10, 23 and 52 – 53, Wang et al disclose a nonwoven (column 3, lines 48 – 58) wet wipe product (column 3, lines 48 – 58) comprising a sheet member (paper towel; column 3, lines 48 – 58) pre – wetted with a wet wiping agent (column 8, lines 13 – 24) and disposed in a fluid proof package (column 8, lines 13 – 24); the product comprises a nonwoven self supporting web (column 3 lines 59 – 67; column 4, lines 1 – 8; the web is cured, therefore self supporting) comprising thermoplastic fibers (synthetic fiber; column 4, lines 30 – 41) comprising polyester (column 4, lines 30 – 31) and absorbent fibers (the article is absorbent; column 3, line 5) which are strength providing (the fibrous fabric exhibits improved strength; column 7, lines 54 – 56); the nonwoven web is creped (column 7, lines 13 – 21); the nonwoven web is in a permanent, creped (column 7, lines 13 – 21), condition, therefore defining a succession of ridges and grooves in the overall body because it is creped and which are preserved because they are permanent; the wet wiping agent is disposed through the body of the web and its constituent fibers (the web is absorbent; column 2, lines 59 – 60) and on the surface of the web (the web comprises surfactants, and is therefore adsorbent; column 4, lines 41 – 44); the web is in a volume - enhanced condition (the web comprises fluff and therefore comprises an additive that adds an air volume to the fiber volume; column 4, line 49). Wang et al fail to disclose a web that is microcreped and is in a permanent creped state.

Anderson et al teach the microcreping of a web (column 13, lines 60 – 64) in the making of a wet wipe (column 13, lines 65 – 66) for the purpose of obtaining a web having increased softness (column 13, lines 60 – 64). One of ordinary skill in the art would therefore have recognized the advantage of providing for the microcreping of Anderson et al in Wang et al, which comprises a wet wipe, depending on the desired softness of the end product.

It therefore would have been obvious for one of ordinary skill in the art at the time Applicant's invention was made to have provided for a microcreping in Wang et al in order to obtain a web having increased softness as taught by Anderson et al.

With regard to Claim 3, the product disclosed by Wang et al is microcreped, as stated above, and therefore

With regard to Claim 11, the fibers of the nonwoven web of Wang et al comprise polyester (column 4, lines 30 – 41); the claimed aspect of the fibers comprising polyethylene terephthalate therefore reads on Wang et al.

With regard to Claim 12, the thermoplastic fibers of Wang et al comprise polypropylene (column 4, lines 30 – 40).

With regard to Claim 13, Wang et al discloses the use of polyethylene (column 2, lines 18 - 22) as a thermoplastic fiber (column 2, lines 7 – 11).

With regard to Claims 14 – 15, the absorbent fibers of Wang et al comprise natural cellulosic fibers (column 4, lines 13 – 29).

With regard to Claims 8 – 9 and 16, Wang et al discloses the use of any upper limit of amount of thermoplastic fiber (the upper limit of the percentage is not critical; column 4, lines 33 - 36); Wang et al therefore disclose a web in which all of the fibers are thermoplastic and a web in which 1/3 or 1/2 of the fibers are non - thermoplastic, therefore 2/3 or 1/2 are non - thermoplastic.

With regard to Claim 17, the absorbent fibers of Wang et al comprise rayon (column 4, lines 30 - 40).

With regard to Claim 18, the fibers of Wang et al comprise polyester and wood pulp (column 4, lines 12 - 40).

With regard to Claims 20 – 22, the wiping agent of Wang et al is aqueous and therefore comprises a paint solvent (column 8, lines 13 - 25).

With regard to Claims 23 – 24, a plurality of the sheet members of Wang et al are stacked, therefore face – to – face, in a fluid tight container (water – tight package; column 8, lines 13 - 18).

With regard to Claim 48, the fiber content of the nonwoven assemblage of Wang et al comprises at least 20% by weight thermoplastic fibers (30%; column 4, lines 30 – 32).

With regard to Claims 49 – 53, the structural limitations of the claims fall within the limitations of Wang et al as discussed above. The method of microcreping is given little patentable weight.

6. Claims 4 – 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al (U.S. Patent No. 5,935,880) in view of Anderson et al (U.S. Patent No. 6,315,864 B2).

Wang et al and Anderson et al disclose a wet wipe as discussed above. With regard to Claims 4 – 7, Wang et al and Anderson et al fail to disclose a wet wipe that comprises between 8 and 25 ridges per inch. However, Wang et al disclose at least one ridge in the web, because the web is creped (column 7, lines 13 – 21) and discloses that the web is creped for the purpose of obtaining z direction - fiber orientation (z - fiber orientation; column 2, line 67; column 3, line 1). Therefore, one of ordinary skill in the art would have recognized the utility of varying the ridges per inch to obtain a desired amount of fibers oriented in the z direction. Therefore, the

amount of fibers oriented in the z direction would be readily determined through routine optimization of the number of ridges per inch by one having ordinary skill in the art depending on the desired end use of the product. It therefore would be obvious for one of ordinary skill in the art to vary the thickness in order to obtain a desired amount of fibers oriented in the z direction, since the amount of fibers oriented in the z direction would be readily determined through routine optimization by one having ordinary skill in the art depending on the desired end result as shown by Wang et al. With regard to the claimed aspect of the web having been coarsely dry creped, the structural limitations of the claims fall within the limitations of Wang et al as discussed above. The method of dry creping the web is given little patentable weight.

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al (U.S. Patent No. 5,935,880) in view of Anderson et al (U.S. Patent No. 6,315,864 B2) and further in view of Srinivasan et al (U.S. Patent No. 5,500,281).

Wang et al and Anderson et al disclose a wet wipe product comprising a nonwoven web as discussed above. Wang et al and Anderson et al fail to disclose a wet wipe product which comprises a spunlaced web.

Srinivasan et al teach that nonwoven webs are equivalent to spunlaced webs (column 13, lines 63 - 67; column 14, lines 1 - 3) in the making of a wipe product (column 13, lines 63 - 67; column 14, lines 1 - 3) for the purpose of making a product which is medically safe (column 14, lines 10 - 18). The desirability of providing for a spunlaced web in Wang et al and Anderson et al, which is a wipe product, would therefore have been obvious to one of ordinary skill in the art.

It would therefore have been obvious for one of ordinary skill in the art to have provided for a spunlaced web in Wang et al and Anderson et al in order to make a product which is medically safe as taught by Srinivasan et al.

ANSWERS TO APPLICANT'S ARGUMENTS

8. Applicant's arguments regarding the 35 U.S.C. 102(b) rejection of Claims 1 – 2, 8 – 18, 20 – 24 and 48 – 53 as being anticipated by Wang et al (U.S. Patent No. 5,935,880), 35 U.S.C. 103(a) rejection of Claims 3 – 7 as being unpatentable over Wang et al (U.S. Patent No. 5,935,880), and 35 U.S.C. 103(a) rejection of Claim 19 as being unpatentable over Wang et al (U.S. Patent No. 5,935,880) in view of Srinivasan et al (U.S. Patent No. 5,500,281), of record in the previous Action, have been carefully considered but have not been found to be persuasive for the reasons set forth below.

Applicant argues, on page 14 of the remarks dated November 17, 2005, that Wang et al discloses an adhered web because Wang et al discloses the creping of U.S. Patent No. 4,894,118.

However, Wang et al only refer to the U.S. Patent as one example of a creping technique, and are therefore not limited to the creping of U.S. Patent No. 4,894,118.

Applicant also argues, on page 15, that the amount of thermoplastic fibers disclosed by Wang et al is outside of the claimed range.

However, as stated above, Wang et al discloses the use of any upper limit of amount of thermoplastic fiber (the upper limit of the percentage is not critical; column 4, lines 33 - 36); Wang et al therefore disclose a web in which all of the fibers are thermoplastic and a web

in which 1/3 or 1/2 of the fibers are non - thermoplastic, therefore 2/3 or 1/2 are non - thermoplastic.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A Patterson whose telephone number is 571-272-1497.

The examiner can normally be reached on Mon - Fri 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marc Patterson 12/27/05
Marc A. Patterson, PhD.
Examiner
Art Unit 1772